

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-26083

Issue No: 2006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 16, 2010

Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on March 16, 2010. Claimant was represented by [REDACTED]

ISSUE

Whether the Department of Human Services (DHS) properly determined that no complete application for Medical Assistance (MA) was filed on claimant's behalf.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) August 29, 2008, claimant passed away. Death Certificate, [REDACTED].
- (2) October 26, 2008, claimant's mother signed papers to allow

[REDACTED], to represent claimant's interests. Authorization to Represent, 10-26-08.

(3) November 21, 2008, the department received claimant's MA application. The application stated claimant's date of birth as August 31, 1986. The application was apparently signed by an [REDACTED] employee. Department Exhibit A, pgs 4-20.

(4) December 3, 2008, the department sent claimant an Incomplete Application Notice (DHS-723) stating it lacked the signature of a properly authorized representative. Department Exhibit A, pg 21.

(5) March 17, 2009, an [REDACTED] employee was named as authorized representative by Probate Court. Letters of Authority for a Personal Representative (PC572).

#### CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers.

Any person, regardless of age or his authorized representative (AR) may apply for assistance.

The date of the application is the date the local office receives the required minimum information on an application or filing form.

An application may be made on behalf of a client by his spouse, parent, legal guardian, adult child, step child, specified relative or any other person provided the person is at least age 18 or married. Bridges Administrative Manual 110.

Department policy provides that an application for assistance may be made on behalf of a client by “any other person provided the person is at least age 18 or married.” Bridges Administrative Manual 110. Accordingly, the application filed on claimant’s behalf with claimant’s mother’s authorization is legitimate provided it contains minimum required information and a proper signature. Accordingly, the department has not met its burden of proof and its action cannot be upheld. Finding of Fact 1-5. It is noted that while the representative could file an application on claimant’s behalf with his mother’s consent following his death; the representative was not legally permitted to represent claimant at hearing prior to obtaining a court order from probate court. The order was obtained in March 2009. Finding of Fact 5.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly determine claimant’s eligibility for Medical Assistance.

Accordingly, the department's action in not pursuing the application is, hereby, REVERSED. The department is to initiate the process to determine claimant's MA eligibility in compliance with department policy and this decision and order..

/s/ \_\_\_\_\_  
Jana A. Bachman  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: June 5, 2010

Date Mailed: June 7, 2010

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JAB/db

cc:

